

ORDINANCE NO. 2015-15

AN ORDINANCE REPEALING AND RECREATING TITLE 5, PUBLIC SAFETY, CHAPTER 2, FIRE PREVENTION, SECTION 5-2-15, OPEN BURNING, A PART OF THE MUNICIPAL CODE OF THE CITY OF HORICON

The Common Council of the City of Horicon, Wisconsin does ordain as follows:

Section 5-2-15, Open Burning, of the Municipal Code of the City of Horicon is hereby repealed and recreated to read as follows:

SEC. 5-2-15, OPEN BURNING

- (a) It is the intent of this section to ensure the safety of life and property from fire caused by burning in the open air.
- (b) **No person, firm, or corporation shall burn or cause to be burned in the open air:** leaves, garden refuse, treated or painted wood, paper, refuse, construction debris, or other combustible material except as described herein.
- (c) Open burning is the process of burning any materials where the products of combustion pass directly into the air without going through a chimney or stack.
- (d) Except as provided in subsections (i) or (j), open burning is prohibited in the City of Horicon.
- (e) Fires that are allowed under subsection (j) are to be attended at all times by a responsible adult with immediate access to a garden hose attached to a functioning water supply, and/or a fire extinguisher within the immediate vicinity.
- (f) The City of Horicon Fire Department shall have the authority to prohibit any or all fires when atmospheric conditions or local circumstances make such fires extraordinarily hazardous. No burning will be allowed if wind conditions will cause smoke, embers, or other burning materials to be carried towards any building or other combustible material, nor any time the wind is in excess of ten miles per hour.
- (g) Fires are to be at least 15 feet from any building structure, fence or combustible material.
- (h) If smoke from any fire shall create a nuisance for neighboring property owners, the fire shall be extinguished immediately upon the complaint of the neighboring property owner or at the discretion of the Police or Fire Department.

(i) Outdoor burning allowed

- (1) Gas and charcoal grills. Gas and charcoal grills manufactured for the purpose of cooking food are approved cooking devices. A "grill" is defined as a cooking utensil on which food is exposed to red heat (as from charcoal or gas) between bars. The operation of outdoor grills, fireplaces, and related cooking equipment for food is allowed.
- (2) Only the burning of dry, non-treated wood is acceptable. Lawn clippings, construction materials, garbage, brush, or other yard waste are not permitted.

(j) Recreational Fires:

- (1) Recreational fires are defined as small campfires on private property, small fires confined to pits, portable fire pits, portable fireplaces, and chimneas.
- (2) Requirements for having a recreational fire are as follows:
 - a. All fireplaces/chimnea units may only be used on concrete or other noncombustible surfaces. The use of a unit on a wooden deck, porch or patio, or under an overhang is prohibited.
 - b. No portable outdoor fireplace may be located within 15 feet of any building or combustible structure. No person may use a portable outdoor fireplace above the ground floor on premises occupied as a multifamily dwelling, hotel, motel, bed and breakfast establishment, commercial or industrial building. No person may use a portable outdoor fireplace on the ground or ground floor deck, patio or sidewalk which is beneath any balcony, stairway or similar outdoor projection from a multifamily dwelling, hotel, motel, bed and breakfast establishment, commercial or industrial building. In this section, "multifamily dwelling" means any building containing three or more units.
 - c. Material for recreational fires shall not include rubbish, garbage, recyclable items, trash, any material made of or coated with rubber, plastic, leather, or petroleum based materials, and shall not contain any flammable or combustible liquids. Only the burning of dry, non-treated wood is acceptable. No lawn clippings, construction materials, garbage, brush, or other yard waste is permitted.
 - d. All recreational fires shall be attended at all times by at least one responsible person of age 18 or older. The fire must be completely extinguished before the fireplace is left unsupervised.
 - e. The renter/lessee of any rented/leased property must provide signed documentation from the legal property owner giving permission to have a recreational fire on that property.
 - f. The property owner and/or person who have started any recreational fire shall hold the City harmless from any and all costs incurred by the Fire Department for any service related call as a result of a recreational fire not in compliance with the requirements of this chapter.
- (3) The Fire Chief, or designee, may issue permits for burning at special events.
- (4) This subsection does not prohibit fires set by the City of Horicon Fire Department for practice and instruction of firefighters or for testing fire equipment.

- (5) Prohibited practices for multifamily and/or multilevel buildings: The use of charcoal or gas grills located on combustible balconies or within ten feet of combustible patios on ground floors is prohibited. In this section, "multifamily dwelling" means any building containing three or more dwelling units.
- (6) The penalty for violating this section of the Fire Prevention Code shall be in accordance with the rates as set in the Horicon Municipal Bond Schedule.

This ordinance shall become effective upon passage and publication as provided by law.

Introduced by Alderperson Nathan Ansinson this 24th day of November, 2015.

Adopted and approved this 24th day of November, 2015.

CITY OF HORICON, WISCONSIN



Steven D. Neitze, Mayor

ATTEST:



Kristen M. Jacobson, City Clerk-Treasurer